

January 19, 2005

Mr. Alex Marion
Nuclear Energy Institute
1776 I Street, NW., Suite 400
Washington, DC 20006-3708

SUBJECT: NEGATIVE IMPACT CAUSED BY 90-DAY PUBLIC COMMENT PERIOD AND
DELAY IN RELEASE OF NEI 95-10

Dear Mr. Marion:

Thank you for your comments on the GALL Report update material placed on the U.S. Nuclear Regulatory Commission (NRC) Website on September 30, 2004 (per December 9 Memo from Alexander Marion to Dr. P.T. Kuo) (ML043500599). These comments will be evaluated for incorporation in the January 31, 2005 version of the license renewal guidance documents. Based on a cursory review, many of the NEI suggestions regarded errors, which we intend to correct, rather than omissions.

The most significant changes in the updated license renewal guidance documents pertain to the aging management review line-items (and corresponding changes in the SRP) which have been posted on the NRC's Website since September 2004 and that NEI has already reviewed.

You requested a 90 day public comment period and indicated in your letter that you believed that the staff could still accommodate the September 30, 2005 date for publishing the final documents. However, NRC concluded that a 90 day public comment period would prevent our meeting the scheduled issuance of revisions of NUREG-1800, NUREG-1801, and accompanying documentation. All major steps in the months following the public comment period (disposing of comments and writing a Public Comment NUREG, obtaining technical and regulatory concurrence, writing and publishing draft final documents) must be completed by August 1, 2005 to meet requirements for the September 2005 ACRS meeting. Given these mandatory steps following the public comment period, it is not practical for NRC staff to increase the public comment period from 60 days to 90 days as requested and still issue the documents by September 30, 2005.

Furthermore, the staff considered the public comment period schedule by providing a greater review time than was provided in the 2001 public comment period, which was a 45 days. In this update, accommodations for additional public access were enacted by placing the preliminary GALL Report and corresponding SRP information on the NRC's public Website, thereby permitting NEI and other stakeholders additional time to assess the likely changes to the guidance documents.

The NRC staff appreciates why NEI might request a longer time public comment period. However, based on the above it is difficult to implement NEI's request to extend the public comment period.

A. Marion

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On a separate topic, the NRC staff did not receive an updated revision of NEI-95-10, prior to January 15, 2005. It may be necessary for the NRC staff to issue the revised Regulatory Guide 1.188 on a schedule different from the schedule for issuing our revised version of NUREG-1800 and NUREG-1801 for public comment.

Sincerely,

/RA/

Pao-Tsin Kuo, Program Director
License Renewal and Environmental Impacts Program
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

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cc: See next page

A. Marion

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